

**PUBLIC SAFETY
AND
LEGAL ADMINISTRATION COMMITTEE**

MINUTES

OCTOBER 27, 2009

The regularly scheduled meeting of the Public Safety and Legal Administration Committee was held on **Tuesday, October 27, 2009 at 3:27 p.m., in Committee Room #2.** The following members were present:

**The Honorable Cleta Winslow, Chair
The Honorable C. T. Martin, Vice-Chair
The Honorable Kwanza Hall
The Honorable Joyce Sheperd
The Honorable H. Lamar Willis**

The following member was absent:

The Honorable Anne Fauver

Others present at the meeting were: Jerry Deloach, Amber Robinson and Dianne Mitchell, Law Department; Deputy Chiefs Peter Andersen and Carlos Banda, Police Department; Deputy Chief Wilmond Meadows, Atlanta Fire and Rescue Department; media, public and council staff.

Chair Cleta Winslow called the meeting to order at 3:27 p.m. after declaring a quorum present. She then proceeded with the following order of business.

**A. ADOPTION OF AGENDA – ADOPTED AS AMENDED TO ADD ONE
ORDINANCE FOR FIRST READING**

B. APPROVAL OF MINUTES - APPROVED

CONSENT

C. RESOLUTIONS

Claims with favorable recommendations:

09-R-1830 (1) Claim of **Jimmy Robinson, through his attorney, Thomas H. Cooper**, for damages alleged to have been sustained as a result of an automobile accident on November 29, 2007 at Howell Mill Road, NW and 14th Street, NW. **\$6,500.00**

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RESOLUTIONS (CONT'D)

Claims with favorable recommendations:

- 09-R-1831 (2) Claim of **Annie D. Scott**, for vehicular damages alleged to have been sustained from an automobile accident on May 22, 2009 at Northside Drive, NW and Channing Drive, NW.
\$4,237.60
- 09-R-1832 (3) Claim of **1st Acceptance Services, Inc., as subrogee of Frankie Smith**, for damages alleged to have been sustained as a result of an automobile accident on July 31, 2009 at Donald Lee Hollowell Parkway, NW and Oliver Street, NW.
\$2,345.25
- 09-R-1833 (4) Claim of **GEICO, as subrogee of Elizabeth A. Graves**, for damages alleged to have been sustained as a result of an automobile accident on June 8, 2009 at Boulevard, NE and Ponce de Leon Avenue, NE.
\$2,113.73
- 09-R-1834 (5) Claim of **Sandra Neboh**, for damages alleged to have been sustained as a result of an automobile accident on May 20, 2009 at 981 Forrest Drive, SE.
\$1,443.03
- 09-R-1835 (6) Claim of **Ahmmmed R. Tarafdar**, for vehicular damages alleged to have been sustained from an automobile accident on May 15, 2009 at W. Paces Ferry Road and Peachtree Road, NE.
\$1,050.00
- 09-R-1836 (7) Claim of **Antwone Alexander**, for vehicular damages alleged to have been sustained due to an automobile accident on August 14, 2009 at 120 Claire Drive.
\$700.00
- 09-R-1837 (8) Claim of **Tronda White**, for vehicular damages alleged to have been sustained from a pothole on August 14, 2009 at Peachtree Street and North Avenue.
\$612.99

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RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

- 09-R-1838 (9) Claim of **Travelers, as subrogee of Tara Nydick**, for damages alleged to have been sustained as a result of an automobile accident on November 24, 2008 at 1657 Geary Drive, NW.
- 09-R-1839 (10) Claim of **Craig Nydick**, for damages alleged to have been sustained as a result of an automobile accident on November 24, 2008 at 1657 Geary Drive, NW.
- 09-R-1840 (11) Claim of **Richard L. Holder**, for damages alleged to have been sustained from a contract breach involving an Atlanta Police Reserve Program reinstatement on November 14, 2008 at 675 Ponce de Leon Avenue, NE.
- 09-R-1841 (12) Claim of **Liberty Mutual, as subrogee of Thomas Riess**, for damages alleged to have been sustained as a result of an automobile accident on May 30, 2009 at 675 Ponce de Leon Avenue.
- 09-R-1842 (13) Claim of **William Wilson**, for damages alleged to have been sustained during a sewer project in June 2009 at 2422 Sagamore Drive.
- 09-R-1843 (14) Claim of **Carla Barbour**, for damages alleged to have been sustained during a sewer project between April and May 2009 at 756 Shorter Terrace, NW.
- 09-R-1844 (15) Claim of **Marcene R. Moore**, for damages alleged to have been sustained as a result of striking a boulder in the roadway on June 29, 2009 on I-75 Southbound.
- 09-R-1845 (16) Claim of **Philip Carr, through his attorney, Kevin Rew**, for damages alleged to have been sustained due to a damaged tree on January 13, 2009 at 758 Lake Avenue.

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RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

- 09-R-1846 (17) Claim of **Unitrin Direct Insurance, as subrogee of Joseph Holick**, for damages alleged to have been sustained as a result of striking a damaged sewer manhole on February 5, 2009 at 401 5th Street.
- 09-R-1847 (18) Claim of **Michael L. Miller**, for damages alleged to have been sustained as a result of a tailpiece leak between 2000 and 2008 at 37 Kenmare Hall, NE.
- 09-R-1848 (19) Claim of **Rowena F. Waller**, for damages alleged to have been sustained as a result of striking a hole in the roadway on February 13, 2008 on Northwest Drive.
- 09-R-1849 (20) Claim of **Brian Smith**, for damages allegedly sustained as a result of the repair of a water main during the month of December 2008 at 260 Tamer Lane.
- 09-R-1850 (21) Claim of **Jeff Stanley**, for damages alleged to have been sustained as a result of a rock thrown by a weed eater on July 21, 2009 at 1115 North Avenue.
- 09-R-1851 (22) Claim of **Kathleen Gossett, through her attorney, William J. McKenney, Esq., McKenney & Froelich**, for bodily injuries alleged to have been sustained from an automobile accident that occurred due to a malfunctioning traffic light on May 17, 2009 at Peachtree Road, NE and Pharr Road, NE.
- 09-R-1852 (23) Claim of **Ryan Whitaker, through his attorney, William J. McKenney, Esq., McKenney & Froelich**, for bodily injuries alleged to have been sustained from an automobile accident that occurred due to a malfunctioning traffic light on May 17, 2009 at Peachtree Road, NE and Pharr Road, NE.
- 09-R-1853 (24) Claim of **James Elwood, through his attorney, William J. McKenney, Esq., McKenney & Froelich**, for bodily injuries alleged to have been sustained from an automobile accident that occurred due to a malfunctioning traffic light on May 17, 2009 at Peachtree Road, NE and Pharr Road, NE.
(Councilmember Sheperd made a motion to approve Items C1-C24.)
FAVORABLE

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D. ORDINANCE FOR FIRST READING

- 09-O-1854 (1) An Ordinance by Public Safety and Legal Administration Committee amending the FY10 (Intergovernmental Grant Fund) Budget, City of Atlanta Municipal Court, Community Court Division, by adding to anticipations and appropriations, in the amount of \$37,000.00, for grant funds from the Governor's Office of Highway Safety, for the purpose of expanding the "Teens Learning Control Program" (TLC); and for other purposes.

TO BE REFERRED TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

REGULAR

E. COMMUNICATIONS

- 09-C-1824 (1) A Communication from Ms. Cristina Beamud, Executive Director, Atlanta Citizen Review Board, to Council President Lisa M. Borders and Members of Council submitting the Atlanta Planning Advisory Board appointment of **Mr. Maceo C. Williams, Sr.** representing NPU's S-Z to serve as their representative on the Atlanta Citizen Review Board. This appointment is to fill the unexpired term of Mr. LaShawn Hoffman which expires on October 20, 2011.
(Councilmember Hall made a motion to approve.)

FAVORABLE – REFERRED TO COMMITTEE ON COUNCIL

- 09-C-1825 (2) A Communication from Ms. Cristina Beamud, Executive Director, Atlanta Citizen Review Board, to Council President Lisa M. Borders and Members of Council submitting the Atlanta Planning Advisory Board appointment of **Mr. James Doyle** representing NPU's G-L to serve as their representative on the Atlanta Citizen Review Board. This appointment is for a term of three (3) years, scheduled to begin on the date of Council confirmation.
(Councilmember Winslow made a motion to file.)

FILE – REFERRED TO COMMITTEE ON COUNCIL

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F. RESOLUTIONS

09-R-1855 (1) A **Substitute** Resolution by Public Safety and Legal Administration Committee authorizing the settlement of all claims against the City of Atlanta in the case of Margie Walker v. City of Atlanta, Superior Court Fulton County, Civil Action File No. 2008-CV-147203, in the amount of \$325,000.00; authorizing said payment to be charged to and paid from Fund 5051 (Water & Wastewater Revenue Fund), 170201 (DWM Wastewater Treatment & Collections), 5750002 (Property/Liquidation) 4310000 (Sanitary Administration); authorizing the Chief Financial Officer to distribute the settlement amount; and for other purposes.
(Councilmember Sheperd made a motion to approve on substitute.)

FAVORABLE ON SUBSTITUTE

09-R-1856 (2) A **Substitute** Resolution by Public Safety and Legal Administration Committee authorizing the settlement of all claims against the City of Atlanta in the case of Amy Falzone v. City of Atlanta, Magistrate Court Fulton County, Civil Action File No. 09MS097930, in the amount of \$7,000.00; authorizing said payment to be charged to and paid from Fund 5051 (Water & Wastewater Revenue Fund), 170201 (DWM Wastewater Treatment & Collections), 5750002 (Property/Liquidation) 4310000 (Sanitary Administration); authorizing the Chief Financial Officer to distribute the settlement amount; and for other purposes.
(Councilmember Sheperd made a motion to approve on substitute.)

FAVORABLE ON SUBSTITUTE

09-R-1870 (3) A Resolution by Public Safety and Legal Administration Committee authorizing the Mayor, on behalf of the City of Atlanta ("City") Police Department, to enter into an agreement with Legacy Pavilion, LLC, in order to use the Helicopter Landing Pad located on the roof of 300 Marietta Street, NW, at a rental rate of \$1.00 per year, to be charged to and paid from 1001 (General Fund), 240421 (APD Police Precinct Zone 5), 5223102 (Operating/Lease Rental Land), 3223000 (Patrol); and for other purposes.

(Councilmember Hall made a motion to approve.)

FAVORABLE

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RESOLUTIONS (CONT'D)

- 09-R-1871 (4) A Resolution by Public Safety and Legal Administration Committee authorizing the Mayor, to enter into a Lease Renewal Agreement with ASI Properties, Inc., on behalf of the Atlanta Police Department, for the rental of 5,026 square feet of office space located at 3120 Maple Drive, Atlanta, Georgia, for the Department of Police Zone Two Precinct, at a rental rate of \$89,714.10 per year, to be charged to and paid from 1001 (General Fund), 240406 (APD Police Precinct Zone 2), 5223102 (Operating/Lease Rental Land), 3223000 (Patrol); and for other purposes.
(Councilmember Willis made a motion to approve.)

FAVORABLE

- 09-R-1872 (5) A Resolution by Public Safety and Legal Administration Committee authorizing the Mayor to renew a Lease Agreement with CNN Center Ventures, on behalf of the Atlanta Police Department, for the rental of 3,895 square feet of office space located at One CNN Center, Atlanta, Georgia, for the Department of Police Zone Five Mobile Precinct, from March 1, 2010, until February 28, 2015, at a rental rate of \$1.00 per year, to be charged to and paid from 1001 (General Fund), 240421 (APD Police Precinct Zone 5), 5223102 (Operating/Lease Rental Land), 3223000 (Patrol); and for other purposes.
(Councilmember Hall made a motion to approve.)

FAVORABLE

- 09-R-1881 (6) A Resolution by Councilmember Ceasar C. Mitchell expressing the support of the Atlanta City Council and encouraging the implementation of the Atlanta Police Department's Plan to increase the total number of personnel in the Red Dog Unit from its current strength of 27 officers, to 62 officers to be achieved between July and December, 2010; and for other purposes.
(Councilmember Sheperd made a motion to approve.)

FAVORABLE

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G. PAPERS HELD IN COMMITTEE

- 06-R-0433 (1) Claim of **Robert Colgin**, for damages alleged to have been sustained as a result of flooding on July 9, 2005 at 3340 Chatham Road, NW. **(Referred back by Council 2/20/06) (Held 2/28/06 for further investigation at the request of Councilmember Muller)**

HELD

- 06-O-1044 (2) An Ordinance by Councilmembers H. Lamar Willis and C. T. Martin to amend the Code of Ordinances of the City of Atlanta, Georgia, Chapter 162, Article 2, Section 162-61(a) and Chapter 162, Article 2, Section 162-34(f) to allow short breaks in service for Taxicabs; to allow the Chief of Police or his designee, discretion to grant further extension for correction slip matters; to repeal conflicting ordinances; and for other purposes. **(Held 5/9/06 at the request of Councilmember Martin)**

HELD

- 07-O-1795 (3) An Ordinance by Councilmember H. Lamar Willis to establish Chapter 21 of the Code of Ordinances of the City of Atlanta entitled "Transportation of Hazardous Materials"; to create a new Article I to be entitled "Terrorism Prevention in Hazardous Materials Transportation Act of 2007," to create a new Division 1 to be entitled "Terrorism Prevention in Hazardous Materials Transportation Act of 2007"; so as to prohibit large shipments of certain extremely hazardous materials near the City of Atlanta in an effort to reduce the risk of attacks by terrorists; to allow for the issuance of permits authorizing such shipments in special cases; to require the Mayor to issue regulations to implement the provisions of this act; and for other purposes. **(Held 8/28/07 for further review.)**

HELD

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PAPERS HELD IN COMMITTEE (CONT'D)

- 08-O-0190 (4) An Ordinance by Councilmember H. Lamar Willis to amend Chapter 30, Article II of the City Code of Ordinances to reflect new fees for owners of Adult Entertainment establishments which sell alcohol to provide for certain programs for the prevention of sexual assault; and for other purposes. **(Held 1/29/08 at the request of the author)**

HELD

- 08-O-0507 (5) An Ordinance by Councilmember Mary Norwood to create a new Section 106-15 of the Code of Ordinances of the City of Atlanta, Georgia, to be entitled "Loitering"; and for other purposes. **(Held 3/11/08 for further review by the Law Department)**

HELD

- 08-O-0884 (6) An Ordinance by Finance/Executive Committee to amend Chapter 10, Article I, Section 10-1 of the Code of Ordinances, City of Atlanta, Georgia, so as to amend the definition of the word "Restaurant" to more closely reflect the definition of the term "Bona Fide Full-Service Restaurant" contained in Chapter Three of the Official Code of Georgia Annotated; to repeal conflicting ordinances; and for other purposes. **(Held 5/27/08 for further review)**

HELD

- 08-O-1147 (7) A **Substitute** Ordinance by Public Safety and Legal Administration Committee to amend the Charter of the City of Atlanta, Georgia, adopted under the authority of the Municipal Home Rule Act of 1965, O.C.G.A. 36-35-1 et seq., as amended, to amend the Charter of the City of Atlanta, Georgia, 1996 Ga. Laws, P. 4469, et seq., by amending Article 4, Courts, Sections 4-106 and 4-109 regarding the appointment of Judges Pro Hac Vice to the Municipal Court of Atlanta; to repeal conflicting ordinances; and for other purposes. **(Referred back from Council, on substitute - 3rd Reading, Final Adoption) (Held 2/24/09)**

HELD

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PAPERS HELD IN COMMITTEE (CONT'D)

- 08-O-1211 (8) An Ordinance by Councilmembers H. L. Willis, C. T. Martin, Ivory L. Young, Jr. and Mary Norwood to create a separate Department/Organization (Dept/Org) to account for the activity of the Citizen Review Board (CRB); to move funds budgeted in the FY 2008 General Fund Budget in the Police Department's Public Affairs Unit for the purposes of the CRB; and for other purposes. **(Held 6/10/08 for further review)**

HELD

- 08-O-1252 (9) An Ordinance by Councilmember Howard Shook to amend the Code of Ordinances of the City of Atlanta, Georgia, Chapter 10, Article II, Division 2, Section 10-94(a), to exempt certain properties from the distance requirements of 10-88 for the sale of alcoholic beverages for consumption on the premises; and for other purposes. **(Held 7/1/08 at the request of the Law Department)**

HELD

- 08-O-1289 (10) An Ordinance by Public Safety and Legal Administration Committee to amend Chapter 10, Article II, Division 2, Section 10-61, Entitled "Date for Payment of License Fees; Prorated Fees", to provide for an expiration date for all licenses issued under Division 2 of Chapter 10, Article II of Code of Ordinances; to change the date by which all Annual License Fees and Renewal Applications of all Annual Licenses issued under Division 2 of Chapter 10, Article II of the City of Atlanta Code of Ordinances must be submitted; to provide for prorated fees based upon the new deadline; to set forth that the effective date of this amendment shall be January 2, 2009; to repeal conflicting ordinances; and for other purposes. **(Held 7/15/08 at the request of the Law Department)**

HELD

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PAPERS HELD IN COMMITTEE (CONT'D)

08-O-1544 (11) An Ordinance by Councilman C. T. Martin to amend Section 162-78 (a) (3) and (6) (Taxicabs and Vehicles for Hire) of the Code of Ordinances of the City of Atlanta, Georgia so as to eliminate the Annual Fingerprinting Requirement for Taxicab Drivers and to change the Driver's Training Course Requirement from annually to every three years; to waive conflicting ordinances; and for other purposes. **(Referred back by Full Council on 8/18/08) (Held 8/26/08 for further review.)**

HELD

08-O-1753 (12) An Ordinance by Councilmember Mary Norwood to amend Article XXIV entitled "Vending on Private Property"; and for other purposes. **(Held 9/9/08 for further review.)**

HELD

08-O-2436 (13) An Ordinance by Public Safety and Legal Administration Committee to amend Chapter 2, Article XVI, Division 11, Section 2-2211 and Chapter 2, Article XVI, Division 11, Section 2-2212 to provide for the disclosure of public police and corrections documents to the Citizen Review Board; to amend Chapter 98, Article II, Section 98-26(b)(3) and Chapter 98, Article IV, Section 98-153(b)(3) to require the Chiefs of Police and Corrections to appear before the Citizen Review Board upon request and set forth the reasons for delays in internal investigations into their employees' conduct; and for the other purposes. **(Held 1/13/09) (Held 4/28/08 for a work session)**

HELD

09-O-0389 (14) An Ordinance by Public Safety and Legal Administration Committee to amend Section 10-75 (5) of the Code of Ordinances of the City of Atlanta, Georgia ("The Alcoholic Beverage Code") so as to correct a Code Section reference error contained therein; to waive conflicting ordinances; and for other purposes. **(Held 3/10/09 for further review)**

HELD

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PAPERS HELD IN COMMITTEE (CONT'D)

- 09-R-0621 (15) Claim of **Tremayne McReynolds**, for damages alleged to have been sustained as a result of a trip and fall incident in an uncovered water meter on July 15, 2008 at 277 Pharr Road, NE. **(Referred back by Council 4/20/09) (Held 4/28/09 for further review)**

HELD

- 09-R-0722 (16) Claim of **Tracy Dummett**, for damages alleged to have been sustained from a police shooting incident on October 16, 2008 at 1500 Langston Avenue. **(Held 4/28/09 at the request of Councilmember Sheperd for further review by the Law Department.)**

HELD

- 09-R-1030 (17) Claim of **Fred McFarlin**, for damages alleged to have been sustained when a door was broken by firemen on February 9, 2009 at 1865 Wellborne Drive, NE. **(Held 6/9/09 at request of Councilmember Fauver.)**

HELD

- 09-O-1045 (18) A **Substitute** Ordinance by Public Safety and Legal Administration Committee to amend the Code of Ordinances of the City of Atlanta, Georgia, Chapter 162, Article II, Section 162-77 (6) so as to specifically allow third parties approved by the Bureau, to administer the examination which all new applicants for driver permits must pass in order to secure their initial permits; and for other purposes. **(Councilmember Sheperd made a motion to approve on substitute.)**

FAVORABLE ON SUBSTITUTE

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PAPERS HELD IN COMMITTEE (CONT'D)

- 09-O-1178 (19) An Ordinance by Public Safety and Legal Administration Committee to amend the Code of Ordinances of the City of Atlanta, Georgia, Chapter 162, Article II, Division 1, Section 162-36 to require that the dome lights, with which the roofs of all taxicabs must currently be affixed, be wired in such a way as to minimize the possibility of injury for the purpose of protecting the safety of taxicab drivers and passengers; and for other purposes. **(Held 7/14/09 for further discussions.)**

HELD

- 09-O-1179 (20) An Ordinance by Public Safety and Legal Administration Committee to amend the Code of Ordinances of the City of Atlanta, Georgia, Chapter 162, Vehicles for Hire, to provide for a definition of taxicab safety equipment; to require signage on applicable taxicabs alerting passengers to the presence of a Digital Security Camera System; to require the installation of taxicab safety equipment in all taxicabs; to authorize the Chief of Police or his/her designee to establish, issue and revise rules, procedures and regulations to govern the specifications, installation and maintenance of the taxicab safety equipment, and to provide for enforcement of rules, procedures and regulations for the purpose of protecting the safety of taxicab drivers and passengers; and for other purposes. **(Held 7/14/09 for further discussions.)**

HELD

- 09-C-1521 (21) A Communication by Mayor Shirley Franklin appointing **Mr. R. Roger Bhandari** as City Attorney. **(Held 9/15/09 at the request of the Administration.)**

HELD

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PAPERS HELD IN COMMITTEE (CONT'D)

- 09-C-1525 (22) A Communication by Mayor Shirley Franklin appointing **Ms. Katrice T. Hatten** to serve as a Taxicabs and Vehicles for Hire Hearing Officer on behalf of the City of Atlanta. This appointment is for a term of two (2) years scheduled to begin on the date of Council confirmation. **(Held 9/15/09 awaiting Ms. Hatten, to appeal before the committee.)**

HELD

- 09-O-1559 (23) An Ordinance by Public Safety and Legal Administration Committee to amend the Code of Ordinances of the City of Atlanta, Georgia, Chapter 162, Article II, Division 1, Section 162-42, entitled Miscellaneous Requirements and Penalties; and Section 162-43, entitled Table of Violations, so as to make it unlawful for drivers of Vehicles for Hire to engage the Child Safety Locks on the rear doors of a vehicle for hire unless otherwise directed; to establish penalties therefore; and for other purposes. **(Held 9/29/09 for further review)**

HELD

- 09-R-1681 (24) Claim of **Travelers Insurance Company, as subrogee of Pamela Evans**, for damages alleged to have been sustained as a result of driving over a pothole on April 24, 2009 at 366 Fair Drive. **(Held 9/29/09 at request of Councilmember Sheperd)**

HELD

- 09-R-1691 (25) Claim of **Mr. Alvin Hall**, for damages alleged to have been sustained as a result of driving over a pothole on April 10, 2009 at 366 Fair Drive. **(Held 9/29/09 at request of Councilmember Sheperd)**

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H. REQUESTED ITEMS

1. Councilmember Sheperd made a request for a work session on liquor licensing.
2. Councilmember Sheperd made a request for the Police Department to come back in September for an update on the Auditor's Recommendations regarding the Patrol Officer Availability Audit.
3. Councilmember Willis requested the Police Department to provide him with information regarding the feasibility of purchasing versus leasing a site for the Zone Two Precinct

H. ITEMS NOT ON THE AGENDA

ORDINANCE FOR FIRST READING

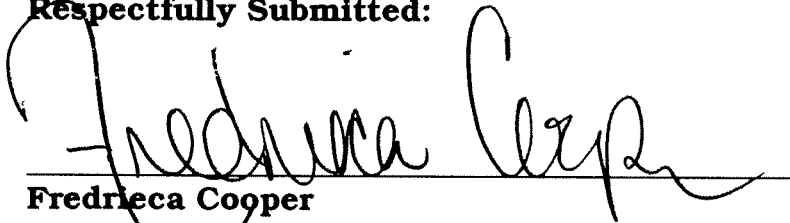
09-O-1895 (1) An Ordinance by Public Safety and Legal Administration
*** Committee amending the Atlanta Code of Ordinances
 Chapter 30, Article XXIII entitled Vending on Public
 Property, to clarify that Public Property does not include City
 Parks; and for other purposes.

**TO BE REFERRED TO PUBLIC SAFETY AND LEGAL
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There being no further business to come before the Committee, the meeting was adjourned at 4:05 p.m.

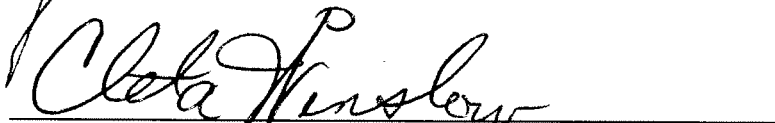
Respectfully Submitted:



Fredrica Cooper
Legislative Assistant



Bernard R. Thomas
Research and Policy Analyst



The Honorable Cleta Winslow, Chair
Public Safety and Legal Administration Committee